

A. G. Contract No. KR882659TRD  
ECS File: JPA-88-88  
Project: H0957 01C  
Section: Red Rock State Park

AMENDMENT TO  
INTERAGENCY AGREEMENT  
BETWEEN  
THE STATE OF ARIZONA  
AND  
THE ARIZONA STATE PARKS BOARD

THIS AGREEMENT is entered into 4 October, 1989,  
pursuant to Arizona Revised Statutes, Sections 11-951 through  
11-954, as amended, between the STATE OF ARIZONA, acting by and  
through its DEPARTMENT OF TRANSPORTATION (the "ADOT") and the  
ARIZONA STATE PARKS BOARD, acting by and through its Executive  
Director (the "PARKS BOARD").

I. RECITALS

1. ADOT is empowered by Arizona Revised Statutes Section 28-108 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. Parks Board is empowered by Arizona Revised Statutes Section 41-511.05 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the Parks Board.

3. WHEREAS, ADOT and Parks Board entered into an interagency agreement dated 1 December 1988 and filed with the Arizona Secretary of State by No. 13523, for the purpose constructing improvements to Red Rock State Park, including park access roads, park roads and parking areas, maintenance areas and residential areas. This amendment is to define responsibilities relating to easements for Arizona Public Service power lines.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

NO. <u>13523</u>
FILED WITH SECRETARY OF STATE
Date Filed <u>10-4-89</u>
<u>Jim Shumway</u> Secretary of State
By <u>B. Vermillion</u>

## II. SCOPE OF WORK

1. According to ADOT standards and specifications and at its own cost, ADOT shall design, call for bids and award one or more construction contracts and administer same for the improvements to the park.

a. The improvements include, but are not limited to, constructing left and right turn lanes on US 89 A, constructing the access road from US 89 A to the park, constructing park roads to the visitors center, headquarters and residence/maintenance area, constructing five parking areas, and constructing a graveled maintenance area and an area for two residential sites.

b. The estimated cost of these improvements is \$3,500,000.

2. ADOT shall acquire in the name of the Parks Board additional rights of way for purposes of the park road construction, where necessary, as set forth in the resolution of the Parks Board. The Parks Board herein authorizes ADOT to condemn rights of way in the name of the Parks Board, as necessary to accomplish said acquisition. Parks Board shall accept any right of way acquired by ADOT as part of the State Parks System. The Parks Board authorizes ADOT to commit to provide Arizona Public Service Company a replacement easement to be used for the relocation of a power line currently in conflict with park road construction.

3. The Parks Board shall provide information to support the development and construction of the project and necessary permits allowing for the contemplated construction.

4. Maintenance and operation of said park road improvements shall be the sole responsibility of the Parks Board.

## III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said projects; provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual, may be cancelled at any time prior to the award of a construction contract, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518(B) and (C).

6. Attached hereto and incorporated herein is a copy of the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

ARIZONA STATE PARKS BOARD

STATE OF ARIZONA

Department of Transportation

By Countess Nelson  
Deputy Director  
Title

By Gary K. Robinson  
GARY K. ROBINSON  
Chief Deputy State Engineer

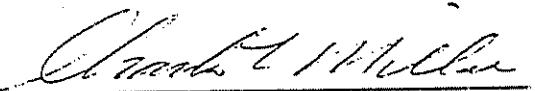
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RESOLUTION

BE IT RESOLVED on this 24th day of October 1988, that I, CHARLES L. MILLER, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, enter into an agreement with the Arizona State Parks Board for the purpose of installing improvements at Red Rock State Park.

THEREFORE, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted for approval and execution by the Chief Deputy State Engineer.

  
CHARLES L. MILLER, Director  
Arizona Department of  
Transportation

Joni Bosh, Secretary for the Arizona State Parks Board, 800 W. Washington, Phoenix, Arizona 85007, presented the following Resolution and moved its adoption:

RESOLUTION No. 82

By the Arizona State Parks Board  
Authorizing the Execution of the Intergovernmental  
Agreement with the  
Department of Transportation

Under powers granted to the Arizona State Parks Board by ARS 41-511.05, BE IT RESOLVED on this 17th day of July, 1987, that THE ARIZONA STATE PARKS BOARD determines it is in the best interest of the State of Arizona to enter into an Interagency Agreement with the ARIZONA DEPARTMENT OF TRANSPORTATION wherein the ARIZONA DEPARTMENT OF TRANSPORTATION will improve various areas within Red Rock State Park including, but not limited to, drainage easements, construction easements, road rights-of-way, and the acquisition of such lands in the name of the Parks Board where necessary to accomplish such improvements. The Board designates as public highways the roads, spurs, and other traffic related appurtenances within Red Rock State Park for the purpose of constructing park related improvements under the Interagency Agreement, Project VLT-900-938.

THEREFORE, authorization is hereby given to The Arizona State Parks Board Executive Director, or his designee, to sign said Agreement which, upon completion, shall be submitted for approval and execution by the State Engineer.

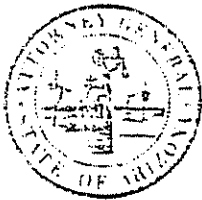
After general discussion, the motion to adopt said resolution was seconded by M. Jean Hassell and was unanimously carried by the members present, as follows:

Elizabeth A. Drake  
Duane Miller  
M. Jean Hassell  
Joni Bosh  
Reese G. Woodling  
William G. Roe

Thereupon, Duane Miller, Vice Chairman of the Arizona State Parks Board, declared that the Resolution had been adopted.

Attest: On July 17, 1987, the aforementioned Resolution was passed and adopted by the Arizona State Parks Board in Regular Session.

  
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Joni Bosh, Secretary



Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert K. Corbin

INTERGOVERNMENTAL AGREEMENT


DETERMINATION

A. G. Contract No. KR88265ITRD, is an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 28<sup>th</sup> day of September, 1989.

ROBERT K. CORBIN  
Attorney General

  
Assistant Attorney General  
Transportation Division